

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Mark E. Benden  
Jerome J. Congleton  
Christopher A. Smith

Group Art Unit: Unassigned

Examiner: Unassigned

Serial No.: Unassigned

Atty. Dkt. No.: 12041.0085.NPUS00  
(NPEK:085)

Filed: Concurrently Herewith

For: VERTICAL ADJUSTMENT APPARATUS  
FOR A KEYBOARD

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73**  
**AND POWER OF ATTORNEY**

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA, 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints: practitioners associated with Customer Number 23369, including Stephen H. Cagle, Reg. No. 26,445, James C. Pistorino, Reg. No. 44,290, Gregory A. Duffey, Reg. No. 42,501, and Ira D. Finkelstein, Reg. No. 44,680, each being an attorney or agent with the law firm of Howrey Simon Arnold & White, LLP with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive the Letters Patent document, and for one year after the issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Neutral Posture, Inc., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Stephen H. Cagle  
Howrey Simon Arnold & White, LLP  
750 Bering Drive  
Houston, TX 77057-2198  
(713) 787-1400

ASSIGNEE:  
Neutral Posture, Inc.

By:  CBO  
Name: Rebecca Boenigk  
Title: Chief Executive Officer

Date: 1-29-04

ASSIGNMENT:

- ☒ Concurrently filed  
☐ Previously recorded

Date: \_\_\_\_\_

Reel: \_\_\_\_\_

Frames: \_\_\_\_\_

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **VERTICAL ADJUSTMENT APPARATUS FOR A KEYBOARD**, the Specification of which:

☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
(Number)	(Country)	(Date Filed)	Yes/No
(Number)	(Country)	(Date Filed)	Yes/No

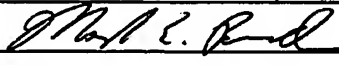
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

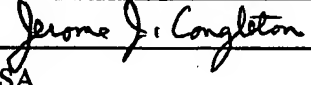
(Application Serial No.) (Filing Date) (Status)

(Application Serial No.) (Filing Date) (Status)

I hereby direct that all correspondence and telephone calls be addressed to STEPHEN H. CAGLE, Howrey Simon Arnold & White, LLP, 750 Bering Drive, Houston, Texas 77057-2198, (713) 787-1400.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Mark	E.	Benden
Inventor's Signature:			
Country of Citizenship:	USA	Date:	28 Jan 04
Residence Address: (street, number, city, state, and/or country)	5713 Shell Bournes Hill College Station, TX 77845		
Post Office Address: (if different from above)			

Inventor's Full Name:	Jerome	J.	Congleton
Inventor's Signature:			
Country of Citizenship:	USA	Date:	29 January 2004
Residence Address: (street, number, city, state, and/or country)	13065 Valley Circle College Station, TX 77845		
Post Office Address: (if different from above)			

Inventor's Full Name:	Christopher	A.	Smith
Inventor's Signature:	<i>Christopher A. Smith</i>		
Country of Citizenship:	USA	Date:	29 JAN 04
Residence Address: (street, number, city, state, and/or country)	3625 Wellborn Rd., #1205 Bryan, Texas 77801		
Post Office Address: (if different from above)			

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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**SMALL BUSINESS CONCERN**

I hereby declare that I am



the owner of the small business concern identified below:



an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:

Neutral Posture, Inc.

ADDRESS OF SMALL BUSINESS CONCERN:

3904 N. Texas Avenue  
Bryan, TX 77803

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.802, and referenced in 37 CFR § 1.27(a)(2), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above.

FULL NAME: Neutral Posture, Inc.  
ADDRESS: 3904 N. Texas Avenue, Bryan, TX 77803  
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature:  DATE: 1-29-04  
Name: Rebecca Boenigk  
Title: Chief Executive Officer